

# CSEC Community of Practice Te Whāriki Whakaaro o ngā Kaimahi Taiohi

## Submission on the National Strategy and Action Plans to Eliminate Family Violence and Sexual Violence in Aotearoa New Zealand

*CSEC Community of Practice - Te Whāriki is a forum for social workers from around Aotearoa New Zealand who have a particular interest in ending commercial sexual exploitation of children (CSEC). We share learnings, train, and advocate to protect New Zealanders under 18 from this extreme form of sexual abuse. CSEC refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person, such as under age 'sex work', transactional sex, sexual abuse imagery, child marriage, child sex tourism and child trafficking. CSEC often occurs within the context of family violence, and should be considered with this lens, but it can also occur within other contexts and requires a specialised approach due to its complex mental, physical, spiritual and social impact on victims and the many barriers to disclosure.*

### **Focus Area #1**

#### ***Recognise te ao Māori***

The commercial sexual exploitation of children (CSEC) disproportionately involves children who live in communities affected by inequity. We acknowledge that on-going colonisation is a major driver of inequity and is an important factor in the commercial sexual exploitation of children. We ask that CSEC is a specific focus when Government undertakes de-colonising or Te Tiriti focused work so that tamariki Māori are protected from the drivers of CSEC.

### **Focus Area #2.**

***Bring government responses together. People and whānau are supported by integrated community services enabled by government agencies working closely together to reduce barriers and increase safety.***

There is currently no lead Government agency taking responsibility for the specific issue of commercial sexual exploitation of children, instead trafficking and exploitation currently sit with MBIE where sexual exploitation and its impact on children is not a strong focus as their emphasis is on labour exploitation.

We believe that there should be one agency that takes overall responsibility for CSEC as a specific focus and that ensures all other parts of Government (e.g. Justice, Health, Education, Corrections, MSD, Police, MBIE, DIA) are educated regarding CSEC and consider this specific form of child abuse when setting policy and funding priorities. We suggest Oranga Tamariki be the lead agency but they would need substantial up-skilling on CSEC and its implications as they are one of the agencies that often fail to respond adequately.

There is also a need for a collaborative approach from child protection, police, courts and community organisations so all parts of the system are coordinated and able to identify and respond to CSEC appropriately. Again, substantial upskilling is required.

### **Focus Area #3**

#### ***Recognise tangata whenua leadership and community- led approaches***

As above, tamariki Māori are disproportionately victims and survivors of commercial sexual exploitation and in addressing this, government must work in partnership with tangata whenua.

### **Focus Area #4**

#### ***Strengthen workforces to prevent and respond to family violence and sexual violence***

The issue of CSEC is relevant across sectors as victims and survivors may be known to the health, education, child protection, Police, justice, and social service systems. Therefore, any sector workforce in contact with children and young people require education around identifying and responding to CSEC as a specific form of child abuse.

There are currently no specialist services for victims and survivors of commercial sexual exploitation, apart from Oranga Tamariki which often overlooks the unique risk such young people face and which often fails to address the trauma of this exploitation and instead blames victims for their abuse. In fact, involvement with the child protection system is a risk factor for CSEC. Young people who are being exploited will often not report to the Police or Oranga Tamariki because they are afraid they will be placed into residential care rather than into a refuge type residence where they are supported as survivors of commercial sexual exploitation. This approach can often be punitive rather than supportive as victims may be seen as complicit in their exploitation.

We ask that appropriate specialist services for young people experiencing sexual exploitation, including at the hands of an intimate partner, are set up including appropriate shelter services, crisis response, counselling and psychological care. And that existing services that work with children and young people are equipped with the necessary knowledge and expertise to support those experiencing commercial sexual exploitation.

### **Focus Area #5**

#### ***Increase the focus on prevention***

There is increasing awareness around child abuse and its devastating impact but very little knowledge about commercial sexual exploitation of children as a distinct form of child abuse that requires a specialised approach. All professionals working with children and young people including social workers, guidance counsellors, teachers, police, health workers etc need to be trained in recognising and responding to commercial sexual exploitation of children including the nuances of consent that can lead to professionals victim-blaming (there can often be a belief that if a young person appears to have involvement in their exploitation that they have “consented” and are not victims). The conditions that often lead to exploitation namely; inequity, colonisation, systemic racism, gendered violence and poverty, must be addressed in the context of prevention.

Children and young people themselves must be equipped with knowledge and tools that enable them to keep themselves safe from commercial sexual exploitation (including online exploitation and self-generated content) and how to seek help if they are victims or survivors via school programmes, social media campaigns etc. This needs to include education about sugar dating, underage sex work, survival sex, online sexual abuse material, healthy relationships, sextortion, non-consensual distribution of self-created content, and online grooming as an example.

## **Focus Area #6**

### ***Develop ways for government to create changes***

CSEC is currently most commonly prosecuted under the Crimes Act and work needs to be done to align this with the Palermo Protocol which has been ratified by the government. There needs to be consideration regarding what legislation is used to prosecute CSEC. Consideration should be given to:

- Amending section 98B of the Crimes Act to clarify that a means by which trafficking in persons is done also includes “abuse of power”, or “abuse of a position of vulnerability”;
- Amending section 98D to include “the giving or receiving of payments or benefits”
- Amending section 98D to clarify that consent of the victim is irrelevant to culpability under that section;
- Broadening the kinds of ‘exploitation’ to which section 98AA of the Crimes Act applies, to reflect the scope of that word as defined in section 98D of the Crimes Act, or to better reflect Article 3(a) of the Palermo Protocol.

## **Focus Area #7**

### ***Enable continuous learning and improvement***

Currently Government agencies do not record commercial sexual exploitation of children in a way that informs the extent of CSEC in Aotearoa NZ as distinct from wider child abuse data.

Oranga Tamariki does not record disclosures or reports of commercial sexual exploitation in a way that is accessible or measurable and distinct from the wider definition of abuse unless it is child sexual abuse imagery (if the child is not deemed to be complicit which is a concerning caveat in itself).

The effect of this is that a lack of knowledge about the scope of commercial sexual exploitation of children prevents these agencies from adequately addressing prevention and response in direct contradiction to New Zealand’s obligations under the international conventions that the Government has ratified (e.g. Palermo Protocol and C.182 of the ILO).

We believe the strategy needs to ensure that reporting of CSEC is mandatory for relevant Government agencies, that it is adequately tagged so that data can be easily retrieved and that research is funded and undertaken regarding the extent of CSEC in Aotearoa NZ.